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10/004,116	11/02/2001	Sundar Raman	01-1015	8024
20306 7590 10/13/2010 MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/004,116

Applicant(s)

RAMAN ET AL.

Examiner

Alicia Baturay

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10, 13, 16, 26-30 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 13, 16, 26-30, 35-38 and 40 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the amendment filed 23 July 2010.
2. Claims 10 and 28-30 were amended.
3. Claims 1-9, 11, 12, 14, 15, 17-25, and 31-34 were cancelled.
4. Claims 35-40 were added.
5. Claims 10, 13, 16, 26-30, and 35-40 are pending in this Office Action.

***Response to Amendment***

6. Applicant's amendments and arguments with respect to 10, 13, 16, 26-30 and new claims 35-40 filed on 23 July 2010 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (U.S. 6,442,165) in view of McLampy et al. (U.S. 7,028,092) in view of Acharya (U.S. 7,110,359) and further in view of Daniels-Barnes et al. (U.S. 6,571,277).

Sitaraman teaches the invention substantially as claimed including an apparatus which may be used in conjunction with components within a network access point to load balance the processing of the network access requests using the services of at least two instances of a particular service component type (see Sitaraman, Background of the Invention).

9. With respect to claim 10, Sitaraman teaches a method for assigning weights to a group of proxies, wherein a control node is coupled to the group of proxies and the control node maintains a threshold value, the method comprising the steps of: sending, from the control node, a message to each of the proxies; receiving a reply from each of the proxies, wherein each reply is in response to the respective message sent to the proxies; determining a response time for each of the messages sent to each of the proxies (Sitaraman, col. 6, lines 56-64); assigning a weight to each of the proxies based on the response time of the message sent to the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving a new call and determining a call volume.

However, McLampy teaches receiving a new call (McLampy, Fig. 2, element 252; col. 9, lines 29-42); determining a call volume (McLampy, col. 13, line 24 – col. 15, line 9 and col. 14, Table 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving a new call and determining a call volume. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

10. With respect to claim 26, Sitaraman teaches a method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising: transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply; transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply; (Sitaraman, col. 6, lines 56-64); assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving incoming calls.

However, McLampy teaches receiving incoming calls (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving incoming calls. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

11. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of Luther et al. (U.S. 2003/0023877) in view of McLampy in view of Acharya and further in view of Daniels-Barnes.
12. With respect to claim 13, Sitaraman teaches a system for load balancing, the system comprising: the control node including a threshold call load value, the control node including a table of weights (Sitaraman, col. 6, lines 56-64), each of the weights associated with one of

the plurality of proxies, the weights determined in part by a delay time between the control node and the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach use of the SIP protocol.

However, Luther teaches a plurality of proxies, wherein the proxies implement the SIP protocol (Luther, page 1, paragraph 16); and a control node coupled to the plurality of proxies (Luther, page 6, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of Luther in order to enable the use of the SIP protocol. One would be motivated to do so in order to provide a system and method of managing data transmission loads enabling substantially uniform distribution of incoming data packets among a plurality of data processing modules (Luther, page 1, paragraph 12).

The combination of Sitaraman and Luther does not explicitly teach receiving a new call from a user on the network.

However, McLampy teaches receiving a new call from a user on the network (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and Luther in view of McLampy in order to enable receiving a new call from a user on the network. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman, Luther and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol;

and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy that has the lowest weight (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, Luther, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther, McLampy, and Acharya in view

of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

13. With respect to claim 16, Sitaraman teaches the invention described in claim 13, including the system wherein the weights for the respective proxy is also based on a parameter of the respective proxy (Sitaraman, col. 4, lines 33-41).

Sitaraman does not explicitly teach use of the loading of the respective proxy.

However, Luther teaches wherein the control node receives messages from each respective proxy of the plurality of proxies, each message indicating the loading of the respective proxy (Luther, page 6, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of Luther in order to enable the use of the loading of the respective proxy. One would be motivated to do so in order to provide a system and method of managing data transmission loads enabling substantially uniform distribution of incoming data packets among a plurality of data processing modules (Luther, page 1, paragraph 12).

14. Claims 27 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of McLampy in view of Acharya in view of Daniels-Barnes and further in view of O'Neill et al. (EP 1137236).
15. With respect to claim 27, Sitaraman teaches the invention described in claim 26, including a method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising: transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply; transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply; (Sitaraman, col. 6, lines 56-64); assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving incoming calls.

However, McLampy teaches receiving incoming calls (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving incoming calls. One would be motivated to do so in order to assist in controlling real-time transport

protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, MeLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, MeLampy, Acharya, and Daniels-Barnes does not teach the use of a SIP INVITE message.

However, O'Neill teaches the method wherein the first message and the second message are INVITE messages (O'Neill, col. 9, paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, MeLampy, Acharya, and Daniels-Barnes in view of O'Neill in order to enable the use of a SIP INVITE message. One would be motivated to do so in order to provide for translation between address spaces. For instance, if a message is sent but not delivered to a user or location identified by an address identifier generated in accordance with the above method, the address identifier can be resolved back to its respective original address identifier and the message sent to the location associated with that original address by means of a service available over the first communications protocol (O'Neill, col. 13, paragraph 13).

16. With respect to claim 35, Sitaraman teaches the invention described in claim 10, including a method for assigning weights to a group of proxies, wherein a control node is coupled to the group of proxies and the control node maintains a threshold value, the method comprising the steps of: sending, from the control node, a message to each of the proxies; receiving a reply from each of the proxies, wherein each reply is in response to the respective message sent to the proxies; determining a response time for each of the messages sent to each of the proxies (Sitaraman, col. 6, lines 56-64); assigning a weight to each of the proxies based on the response time of the message sent to the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving a new call and determining a call volume.

However, MeLampy teaches receiving a new call (MeLampy, Fig. 2, element 252; col. 9, lines 29-42); determining a call volume (MeLampy, col. 13, line 24 – col. 15, line 9 and col. 14, Table 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of MeLampy in order to enable receiving a new call and determining a call volume. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (MeLampy, col. 1, lines 19-21).

The combination of Sitaraman and MeLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be

motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not teach the use of a SIP INVITE message.

However, O'Neill teaches the method wherein the messages sent to each of the proxies are INVITE messages (O'Neill, col. 9, paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of O'Neill in order to enable the use of a SIP INVITE message. One would be motivated to do so in order to provide for translation between address spaces. For instance, if a message is sent but not delivered to a user or location identified by an address identifier generated in accordance with the above method, the address identifier can be resolved back to its respective original address identifier and the message sent to the location associated with that original address by means of a service available over the first communications protocol (O'Neill, col. 13, paragraph 13).

17. Claims 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of McLampy in view of Acharya in view of Daniels-Barnes in view of O'Neill in view of Faccin et al. (U.S. 7,024,688 ) and further in view of Donovan ("SIP Session Timer").

18. With respect to claim 28, Sitaraman teaches the invention described in claim 27, including a method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising: transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply; transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply; (Sitaraman, col. 6, lines 56-64); assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving incoming calls.

However, McLampy teaches receiving incoming calls (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving incoming calls. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if

the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of

Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not explicitly teach the use of a SIP INVITE message.

However, O'Neill teaches the method wherein the first message and the second message are INVITE messages (O'Neill, col. 9, paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of O'Neill in order to enable the use of a SIP INVITE message. One would be motivated to do so in order to provide for translation between address spaces. For instance, if a message is sent but not delivered to a user or location identified by an address identifier generated in accordance with the above method, the address identifier can be resolved back to its respective original address identifier and the message sent to the location associated with that original address by means of a service available over the first communications protocol (O'Neill, col. 13, paragraph 13).

The combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, and O'Neill does not explicitly teach wherein the first message and the second message are invalid INVITE messages.

However, Faccin teaches wherein the first message (Faccin, col. 2, lines 52-60) and the second message are invalid INVITE messages (Faccin, col. 3, lines 5-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, and O'Neill in view of Faccin in order to enable the first message and the second message are invalid INVITE messages. One would be motivated to do so in order to perform the authentication by creating a new Universal Mobile Telecommunications System Authentication and Key Agreement authentication mode with the appropriate fields contained within a SIP message (Faccin, col. 1, lines 64-67).

The combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, O'Neill, and Faccin does not explicitly teach wherein the first reply and the second reply are REJECT messages that result from the invalid INVITE messages.

However, Donovan teaches wherein the first reply and the second reply are REJECT messages that result from the invalid INVITE messages (Donovan, page 3, 3.2 Behavior of User Agent Servers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, O'Neill, and Faccin in view of Donovan in order to enable the first reply and the second reply are REJECT messages that result from the invalid INVITE messages. One would be motivated to do so in order to enable a stateful SIP Proxy Server that is not handling the media stream(s) for the session has no mechanism to definitely determine the state of all sessions for which it has state (Donovan, page 1, Abstract).

19. With respect to claim 36, Sitaraman teaches the invention described in claim 35, including a method for assigning weights to a group of proxies, wherein a control node is coupled to the group of proxies and the control node maintains a threshold value, the method comprising the steps of: sending, from the control node, a message to each of the proxies; receiving a reply from each of the proxies, wherein each reply is in response to the respective message sent to the proxies; determining a response time for each of the messages sent to each of the proxies (Sitaraman, col. 6, lines 56-64); assigning a weight to each of the proxies based on the response time of the message sent to the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving a new call and determining a call volume.

However, MeLampy teaches receiving a new call (MeLampy, Fig. 2, element 252; col. 9, lines 29-42); determining a call volume (MeLampy, col. 13, line 24 – col. 15, line 9 and col. 14, Table 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of MeLampy in order to enable receiving a new call and determining a call volume. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (MeLampy, col. 1, lines 19-21).

The combination of Sitaraman and MeLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be

motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not teach the use of a SIP INVITE message.

However, O'Neill teaches the method wherein the messages sent to each of the proxies are INVITE messages (O'Neill, col. 9, paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of O'Neill in order to enable the use of a SIP INVITE message. One would be motivated to do so in order to provide for translation between address spaces. For instance, if a message is sent but not delivered to a user or location identified by an address identifier generated in accordance with the above method, the address identifier can be resolved back to its respective original address identifier and the message sent to the location associated with that original address by means of a service available over the first communications protocol (O'Neill, col. 13, paragraph 13).

The combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, and O'Neill does not explicitly teach wherein the messages sent to each of the proxies are invalid INVITE messages.

However, Faccin teaches wherein the messages sent to each of the proxies are invalid INVITE messages (Faccin, col. 3, lines 5-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of combination of Sitaraman, McLampy, Acharya,

Daniels-Barnes, and O'Neill in view of Faccin in order to enable the messages sent to each of the proxies are invalid INVITE messages. One would be motivated to do so in order to perform the authentication by creating a new Universal Mobile Telecommunications System Authentication and Key Agreement authentication mode with the appropriate fields contained within a SIP message (Faccin, col. 1, lines 64-67).

The combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, O'Neill, and Faccin does not explicitly teach wherein the replies received from each of the proxies are REJECT messages that result from the invalid INVITE messages.

However, Donovan teaches wherein the replies received from each of the proxies are REJECT messages that result from the invalid INVITE messages (Donovan, page 3, 3.2 Behavior of User Agent Servers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of combination of Sitaraman, McLampy, Acharya, Daniels-Barnes, O'Neill, and Faccin in view of Donovan in order to enable the replies received from each of the proxies are REJECT messages that result from the invalid INVITE messages. One would be motivated to do so in order to enable a stateful SIP Proxy Server that is not handling the media stream(s) for the session has no mechanism to definitely determine the state of all sessions for which it has state (Donovan, page 1, Abstract).

20. Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of McLampy in view of Acharya in view of Daniels-Barnes and further in view of Edwards (U.S. 6,744,877).
21. With respect to claim 29, Sitaraman teaches the invention described in claim 26, including a method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising: transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply; transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply; (Sitaraman, col. 6, lines 56-64); assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively (Sitaraman, col. 9, line 50 – col. 10, line 25); and the method wherein the control node assigns weights to the first proxy and the second proxy also based on a pre-weighting of the first proxy and the second proxy (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving incoming calls.

However, McLampy teaches receiving incoming calls (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving incoming calls. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not explicitly teach assigning a handicap to each of the first proxy and the second proxy to account for processing capabilities of the first proxy and the second proxy.

However, Edwards teaches assigning a handicap to each of the first proxy and the second proxy to account for processing capabilities of the first proxy and the second proxy (Edwards, col. 4, lines 43-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of Edwards in order to enable assigning a handicap to each of the first proxy and the second proxy to account for processing capabilities of the first proxy and the second proxy.

One would be motivated to do so in order to enable multiple call centers to unify the disparate pieces of their call processing capabilities in order to provide consistent and balanced call processing (Edwards, col. 4, lines 1-6).

22. With respect to claim 37, Sitaraman teaches the invention described in claim 10, including a method for assigning weights to a group of proxies, wherein a control node is coupled to the group of proxies and the control node maintains a threshold value, the method comprising the steps of: sending, from the control node, a message to each of the proxies; receiving a reply from each of the proxies, wherein each reply is in response to the respective message sent to the proxies; determining a response time for each of the messages sent to each of the proxies (Sitaraman, col. 6, lines 56-64); assigning a weight to each of the proxies based on the response time of the message sent to the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving a new call and determining a call volume.

However, McLampy teaches receiving a new call (McLampy, Fig. 2, element 252; col. 9, lines 29-42); determining a call volume (McLampy, col. 13, line 24 – col. 15, line 9 and col. 14, Table 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving a new call and determining a call volume. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not explicitly teach assigning weights to each of the proxies is also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies.

However, Edwards teaches wherein assigning weights to each of the proxies is also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies (Edwards, col. 4, lines 43-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of Edwards in order to enable assigning weights to each of the proxies is also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies. One would be motivated to do so in order to enable multiple call centers to unify the disparate pieces of their call processing capabilities in order to provide consistent and balanced call processing (Edwards, col. 4, lines 1-6).

23. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of McLampy in view of Acharya in view of Daniels-Barnes and further in view of Luther.
24. With respect to claim 30, Sitaraman teaches the invention described in claim 26, including a method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising: transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply; transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply; (Sitaraman, col. 6, lines 56-64); assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach receiving incoming calls.

However, McLampy teaches receiving incoming calls (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of McLampy in order to enable receiving incoming calls. One would be motivated to do so in order to assist in controlling real-time transport

protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes does not explicitly teach use of querying a process at each respective proxy.

However, Luther teaches and the method further comprising: querying a first process on the first proxy; and querying a second process on the second proxy, wherein the control node assigns weights to the first proxy and the second proxy also based on information gathered from querying the first proxy and the second proxy (Luther, page 6, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, McLampy, Acharya, and Daniels-Barnes in view of Luther in order to enable querying a process at each respective proxy. One would be motivated to do so in order to provide a system and method of managing data transmission loads enabling substantially uniform distribution of incoming data packets among a plurality of data processing modules (Luther, page 1, paragraph 12).

25. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of Luther in view of McLampy in view of Acharya in view of Daniels-Barnes and further in view of Wallenius (U.S. 7,139,813).
26. With respect to claim 38, Sitaraman teaches the invention described in claim 13, including a system for load balancing, the system comprising: the control node including a threshold call load value, the control node including a table of weights (Sitaraman, col. 6, lines 56-64), each of the weights associated with one of the plurality of proxies, the weights determined in part by a delay time between the control node and the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach use of the SIP protocol.

However, Luther teaches a plurality of proxies, wherein the proxies implement the SIP protocol (Luther, page 1, paragraph 16); and a control node coupled to the plurality of proxies (Luther, page 6, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of Luther in order to enable the use of the SIP protocol. One would be motivated to do so in order to provide a system and method of managing data transmission loads enabling substantially uniform distribution of incoming data packets among a plurality of data processing modules (Luther, page 1, paragraph 12).

The combination of Sitaraman and Luther does not explicitly teach receiving a new call from a user on the network.

However, McLampy teaches receiving a new call from a user on the network (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and Luther in view of McLampy in order to enable receiving a new call from a user on the network. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman, Luther and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy that has the lowest weight (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so

in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, Luther, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, Luther, McLampy, Acharya, and Daniels-Barnes does not explicitly teach the system wherein the delay times between the control node and each respective proxy is measured by the control node sending an INVITE message to each respective proxy.

However, Wallenius teaches the system wherein the delay times between the control node and each respective proxy is measured by the control node sending an INVITE message to each respective proxy (Wallenius, col. 9, lines 47-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther, McLampy, Acharya, and Daniels-Barnes in view of Wallenius in order to enable the system wherein the delay times between the control node and each respective proxy is measured by the control node sending an INVITE message to each respective proxy. One would be motivated to do so in order to provide a smooth switchover to the new session when a switchover from the original session and content stream to a new session and control stream (Wallenius, col. 2, lines 51-56).

27. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of Luther in view of McLampy in view of Acharya in view of Daniels-Barnes and further in view of Edwards.
28. With respect to claim 40, Sitaraman teaches the invention described in claim 13, including a system for load balancing, the system comprising: the control node including a threshold call load value, the control node including a table of weights (Sitaraman, col. 6, lines 56-64), each of the weights associated with one of the plurality of proxies, the weights determined in part by a delay time between the control node and the proxies (Sitaraman, col. 9, line 50 – col. 10, line 25).

Sitaraman does not explicitly teach use of the SIP protocol.

However, Luther teaches a plurality of proxies, wherein the proxies implement the SIP protocol (Luther, page 1, paragraph 16); and a control node coupled to the plurality of proxies (Luther, page 6, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitaraman in view of Luther in order to enable the use of the SIP protocol. One would be motivated to do so in order to provide a system and method of managing data transmission loads enabling substantially uniform distribution of incoming data packets among a plurality of data processing modules (Luther, page 1, paragraph 12).

The combination of Sitaraman and Luther does not explicitly teach receiving a new call from a user on the network.

However, McLampy teaches receiving a new call from a user on the network (McLampy, Fig. 2, element 252; col. 9, lines 29-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman and Luther in view of McLampy in order to enable receiving a new call from a user on the network. One would be motivated to do so in order to assist in controlling real-time transport protocol flow through multiple networks via media flow routing (McLampy, col. 1, lines 19-21).

The combination of Sitaraman, Luther and McLampy does not explicitly teach if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy.

However, Acharya teaches if the input is below the threshold value (Acharya, col. 8, lines 20-24), assigning the new input based on a round robin protocol (Acharya, col. 8, lines 20-24); and if the input volume is above the threshold value (Acharya, col. 8, lines 15-20), assigning the new input based upon the weights assigned to each proxy that has the lowest weight (Acharya, col. 8, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther and McLampy in view of Acharya in order to enable if the input is below the threshold value, assigning the new input based on a round robin protocol; and if the input volume is above the threshold value, assigning the new input based upon the weights assigned to each proxy. One would be motivated to do so in order to automatically adjust the flow of data to alleviate congestion (Acharya, col. 1, lines 26-28).

The combination of Sitaraman, Luther, McLampy, and Acharya does not explicitly teach assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies.

However, Daniels-Barnes teaches assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies (Daniels-Barnes, col. 11, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther, McLampy, and Acharya in view of Daniels-Barnes in order to enable assigning the new call to a first proxy of the group of proxies; assigning the new call to a second proxy of the group of proxies. One would be

motivated to do so in order to enable recovery from a primary proxy being overrun with client requests (Daniels-Barnes, col. 2, lines 23-28).

The combination of Sitaraman, Luther, McLampy, Acharya, and Daniels-Barnes does not explicitly teach wherein the control node associates weights with the proxies also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies.

However, Edwards teaches wherein the control node associates weights with the proxies also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies (Edwards, col. 4, lines 43-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sitaraman, Luther, McLampy, Acharya, and Daniels-Barnes in view of Edwards in order to enable the control node associates weights with the proxies also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies. One would be motivated to do so in order to enable multiple call centers to unify the disparate pieces of their call processing capabilities in order to provide consistent and balanced call processing (Edwards, col. 4, lines 1-6).

***Allowable Subject Matter***

29. The following is an examiner's statement of reasons for allowance: Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner has found that the prior art of record does not teach, suggest, or render obvious, among other things, the specific combination of a system for load balancing comprising: a plurality of proxies, wherein the proxies implement the SIP protocol; and a control node coupled to the plurality of proxies, the control node receiving a new call from a user on a network, the control node including a threshold call load value, if the control node determines that call volume is below the threshold call value, then distributing the new call to a first proxy of a plurality of proxies in a round robin fashion, if the control node determines that the call volume is above the threshold call load value then distributing the new call to a second proxy of the plurality of proxies that has the lowest weight; wherein the delay times between the control node and each respective proxy is measured by the control node sending an INVITE message to each respective proxy; and wherein the INVITE messages are invalid INVITE messages, and wherein the delay times between the control node and each respective proxy is also measured by the control node receiving a REJECT message from each respective proxy, wherein the REJECT messages result from the invalid INVITE messages (major difference in the claims not found in the prior art) as set forth in the specification.

30. For these reasons, if rewritten in all independent claims including all of the limitations of the base claim and any intervening claims, puts this case in condition for allowance.
31. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Baturay/  
Examiner, Art Unit 2446

October 12, 2010